

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF EDUCATION  
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SUPTS. MEMO NO. 8  
October 11, 2002

REGULATORY

TO: Division Superintendents

FROM: Jo Lynne DeMary  
Superintendent of Public Instruction

SUBJECT: Guidance for Accommodating Children with Special  
Dietary Needs in School Nutrition Programs

This Superintendents Memo is prepared as an update to Superintendents Memo No. 185, dated December 22, 1994. Although federal regulations have not changed, the memo has been updated to reflect current terminology, to clarify the school nutrition programs responsibility, and to reiterate the importance of accommodating children with special dietary needs in the National School Lunch (NSLP), School Breakfast (SBP), Afterschool Snack (ASP), and Special Milk (SMP) programs.

The United States Department of Agriculture (USDA) has published a new guidance manual entitled, *Accommodating Children with Special Dietary Needs in School Nutrition Programs for School Food Service Staff*. This manual outlines federal regulations for providing meals to students with disabilities, and to non-disabled students with special dietary needs. Each school nutrition director/supervisor/contact person will receive a copy of this new USDA manual. This new manual is best used in conjunction with the Virginia Department of Education and Virginia Department of Health manual *Nutrition Management of Handicapped and Chronically Ill School Age Children*, which was distributed to every Virginia school division in 1996.

A school division or institution participating in the federally funded school nutrition programs (NSLP, SBP, ASP or SMP) is obligated to provide substitutions to the standard meal pattern for students who are considered disabled as defined in USDas nondiscrimination regulations (7 CFR Part 15b) and whose

disability restricts their diet. Section II of the USDA manual, *Accommodating Children with Special Dietary Needs*, defines the term *disability* and the required substitutions for a disabled student with an Individualized Education Program (IEP). A licensed physician must sign a medical statement to document the disability and indicate restricted foods and allowable substitutions.

A school division or institution may, on a case-by-case basis, make substitutions for non-disabled students, with medically certified special dietary needs, who are unable to eat regular meals as prepared. Section II of the USDA manual details information regarding serving medically certified special dietary needs of children without disabilities and includes a section on food allergies. A medical statement, signed by a recognized medical authority, must be provided in each case. A recognized medical authority is defined as a physician, physicians assistant, nurse practitioner, or registered dietitian.

A form, entitled *Physicians Statement for Students with Special Dietary Needs*, is included as part of this memo (Attachment 1). This form, or an alternate which contains the same information as required on this form, must be completed and submitted to the school nutrition program for each student with special dietary needs. Recommendations for accommodations or changes to existing diet orders must be documented in writing to protect the student and the school nutrition program, and to avoid confusion.

Section III of the USDA manual outlines school issues including school food service responsibilities. Specifically, this section states that under no circumstances are school food service staff to revise or change a diet prescription or medical order. Any confusion regarding what is to be provided to the student must be clarified by the physician or recognized medical authority. Medical statements must be updated annually and a copy must be on file with the school nutrition program in the students school.

The USDA manual has 15 excellent case studies in section V, *Situations and Responses*, which address common scenarios and the appropriate response. Section V is a good resource for administrative and school nutrition program staff to use to meet the needs of students with special dietary requirements. Many important questions can be answered by referring to this section

of the manual. The USDA manual is also available on the Internet at [www.fns.usda.gov/cnd/Guidance](http://www.fns.usda.gov/cnd/Guidance)

If there are any questions regarding the school divisions responsibility in meeting USDA regulations for students with special dietary needs, please contact the school nutrition programs specialist assigned to your school division or Catherine Digilio Grimes at (804) 225-2074.

JLD/CDG/idl

Attachment

[/administrators/superintendents memos/2002/reg008a.pdf](#)